

REMARKS

Claims 1-21 were examined. All claims were rejected. In response to the above-identified Office Action, Applicants amend claims 1, 8 and 18, but do not cancel any claims or add any new claims. Reconsideration of the rejected claims in light of the amendments and the following remarks is requested.

I. Claims Rejected Under 35 U.S.C. § 102(e)

The Examiner rejected claims 8, 9, 15-19 and 21 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,081,900 issued to Subramaniam *et al.* ("*Subramaniam*"). Applicant previously argued, and the Examiner conceded, that *Subramaniam* fails to explicitly teach the use of frames. However, the Examiner asserts that "it is an inherent capability of web pages, particularly HTML documents, to be able to include multiple frames, and that actions within one frame can load an object in another frame." Applicants respectfully submit that an inherent *capability* cannot support an anticipation rejection when the claim explicitly requires the *use* of the capability, unless the use of the capability is unavoidable in the context of the claimed apparatus, system or method. In other words, even though HTML documents *can* include multiple frames (as the Examiner states), unless HTML documents *must* include multiple frames, the use of frames is not inherent in a system or method that includes Web pages.

Considering the issue from another perspective, Applicants have identified a problem that occurs *only* in the context of a Web page containing a plurality of frames, when the data in each frame is sent from one server in an array of servers, and a request from one frame is made to load data into a different frame. Furthermore, they have described – and claimed – methods for solving the problem. Neither the problem nor the solution are taught or suggested by the reference of record, and even the context within which the problem arises is not mentioned there. Consequently, Applicants believe that *Subramaniam* fails to teach or enable each of the claimed elements (arranged as in the claim), and so the rejections should be withdrawn.

Regarding claim 8, that claim recites a method comprising a number of operations, including this conditional operation: in the event a request is received from a requesting frame to load a data object for a target frame and an owner of the

requesting frame is different from an owner providing the data object, generating a new uniform resource locator (URL), and returning a redirect message with the new URL to the client browser. The method explicitly recites a scenario in which the problem occurs and provides directions to allow a practitioner to overcome the problem. None of the scenario, the problem, or the solution appear in *Subramaniam*, so that reference fails to anticipate the claim. Applicants respectfully request that the Examiner withdraw this rejection.

As to claim 9, that claim further limits the method of claim 8, and is patentable for at least the reasons discussed in support of that base claim.

Regarding claim 15, that claim recites a machine-readable medium that provides instructions to cause a processor to perform certain operations, including determining if the owner of a the target frame is different from the owner providing the data object, and, if so, then generating a new uniform resource locator (URL) and returning a redirect message with the new URL to the client browser. Since *Subramaniam* does not mention frames at all, it cannot teach or suggest at least the operation of determining if the owner of a target frame is different from the owner providing the data object. Furthermore, this "determining" operation is not inherent in the functioning of a web server, because some web sites operate without frames at all, and (as Applicants explain) even among web sites that use frames, it is only necessary in certain situations, such as where a load balancer distributes client requests among a parallel array of servers (see ¶0027), or where it is necessary to switch from HTTP to HTTPS (see ¶0026). For at least these reasons, Applicants respectfully submit that *Subramaniam* fails to anticipate claim 15, and ask that the Examiner withdraw this rejection.

As to claims 16 and 17, those claims depend upon claim 15, and are patentable for at least the reasons discussed in support of their base claim. Applicants respectfully request that the Examiner withdraw these rejections as well.

Regarding claim 18, that claim recites a machine-readable medium that provides instructions to cause a processor to perform a number of operations, including accessing a current URL used to locate a HTML document currently loaded in one of multiple frames displayed by a Web browser, and dispatching a new request using a new URL to invoke Hypertext Transfer Protocol Secure (HTTPS) communication between said one of multiple frames of the Web browser and a Web server. Again, the use of multiple frames displayed by a Web browser is an explicit part of the claim

limitations, yet it cannot be inherent because a Web browser does not *always* display multiple frames when it displays an HTML document. Thus, because frames are not mentioned in *Subramaniam*, it fails to teach or suggest at least the limitations of claim 18 that are presented above. For at least this reason, Applicants request that the Examiner withdraw the rejection of claim 18.

As to claims 19 and 21, those claims depend directly or indirectly upon claim 18, and are patentable for at least the reasons discussed in support of that claim. Applicants respectfully request that the Examiner withdraw these rejections as well.

II. Claims Rejected Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-7, 10-13 and 20 under 35 U.S.C. § 103(a) as unpatentable over *Subramaniam* (*supra*) in view of U.S. Patent No. 6,772,333 issued to Brendel ("*Brendel*"). In remarks responding to Applicants' previous arguments, the Examiner agrees that *Brendel*, too, omits mention of the use of frames, but asserts that the ability to include multiple frames is an inherent capability of web pages. However, as Applicants explained above, the mere *ability* to include multiple frames is inadequate to support the rejection of claims that explicitly require the *use* of that capability, when neither the capability nor its use is in the references of record.

Regarding claim 1, that claim recites a system comprising a number of elements, including software code to generate a new URL and return a redirect message with the new URL to a client browser in response to a request received from a requesting frame to load a data object for a target frame that is different from the requesting frame. In a system that has no frames at all, there can be neither a "requesting frame" nor a different "target frame." Furthermore, without multiple frames, the problem of ownership conflicts that is solved by embodiments of Applicants' invention simply does not arise. Indeed, a practitioner who followed *Subramaniam* and *Brendel* to implement a load-balanced web application would not encounter the ownership problem until he attempted to use the "inherent" frames capability of HTML documents in his site. Suddenly, the site would stop working, and the practitioner would search the references of record in vain for an explanation or a solution.

For at least the foregoing reasons, Applicants submit that claim 1 is not unpatentable in view of the references cited, and respectfully request that the Examiner withdraw the rejection.

As to claims 2-6, 10-13 and 20, those claims depend directly or indirectly upon one of claims 1, 8 or 20, and are patentable for at least the reasons discussed in support of those base claims. Applicants request that these rejections be withdrawn as well.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-21, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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12400 Wilshire Boulevard Seventh Floor Los Angeles, California 90025 (310) 207-3800	<p style="text-align: center;"><u>CERTIFICATE OF TRANSMISSION</u></p> <p>I hereby certify that the correspondence is being transmitted to the United States Patent and Trademark office via facsimile.</p> <p><u>Marilyn Bass</u> 05.20.05</p> <p>Marilyn Bass Date</p>
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